

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

JONATHAN LUTHER JONES,)
)
 Movant,)
)
 v.) Case No. CV616-032
) CR609-041
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

REPORT AND RECOMMENDATION

Jonathan Jones moves pursuant to 28 U.S.C. § 2255 to vacate his convictions for possession of a firearm by a convicted felon and distribution of a controlled substance within 1,000 feet of a school. Doc. 219.¹ Preliminary review under Rule 4 of the Rules Governing Section 2255 Proceedings shows that his motion must be dismissed as untimely.

Jones was required to file his § 2255 motion within one year of the date his judgment of conviction became final. 28 U.S.C. § 2255(f)(1); *Spencer v. United States*, 773 F.3d 1132, 1175 (11th Cir. 2014). The Court entered judgment against him on February 17, 2010, doc. 156, and he took no appeal, so finalization occurred 14 days later, on March 3,

¹ All citations are to the criminal docket unless otherwise noted, and all page numbers are those imprinted by the Court's docketing software.

2010. Fed. R. App. P. 4(b)(1)(A)(i) (notices of appeal in criminal cases must be filed within 14 days of entry of judgment); *Adams v. United States*, 173 F.3d 1339, 1343 n. 2 (11th Cir. 1999). Jones signature filed his § 2255 motion on March 16, 2016 -- 2,205 days after March 3, 2010. Doc. 219 at 6. That's too late. Nor has he offered any facts to warrant tolling of the limitations period.

Jonathan Jones' § 2255 motion therefore should be **DENIED**. Applying the Certificate of Appealability (COA) standards set forth in *Brown v. United States*, 2009 WL 307872 at * 1-2 (S.D. Ga. Feb. 9, 2009), the Court discerns no COA-worthy issues at this stage of the litigation, so no COA should issue either. 28 U.S.C. § 2253(c)(1); Rule 11(a) of the Rules Governing Habeas Corpus Cases Under 28 U.S.C. § 2255 ("The district court *must* issue or deny a certificate of appealability when it enters a final order adverse to the applicant.") (emphasis added)..

SO REPORTED AND RECOMMENDED, this 29th day of March, 2016.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA